

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE: PROTON-PUMP	:	MDL NO. 2789
INHIBITOR PRODUCTS	:	
LIABILITY LITIGATION	:	2:17-MD-2789 (CCC)(MF)
(NO. II)	:	
	:	
<i>This Document Relates to:</i>	:	JUDGE CLAIRE C. CECCHI
	:	
2:18-cv-15688	:	ORAL ARGUMENT
2:18-cv-15015	:	REQUESTED
2:18-cv-14926	:	
2:18-cv-14991	:	
2:18-cv-15492	:	
2:18-cv-15638	:	
2:18-cv-15602	:	
2:18-cv-16132	:	
2:18-cv-16046	:	
2:18-cv-14547	:	
2:18-cv-16025	:	
2:18-cv-16480	:	
2:18-cv-16243	:	
2:18-cv-16771	:	
2:18-cv-15773	:	
2:18-cv-14650	:	

**NOTICE OF DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO
PROVIDE PROOF OF INJURY AND/OR PROOF OF USE AFTER
TOLLING EXPIRATION**

PLEASE TAKE NOTICE that on January 22, 2019, or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP (collectively "AstraZeneca"), Merck Sharp & Dohme Corporation, incorrectly named as Merck & Co. Inc. d/b/a Merck, Sharp & Dohme Corporation ("Merck"), The Procter & Gamble Manufacturing

Company, and The Procter & Gamble Company (collectively “Procter & Gamble”), Abbott Laboratories (“Abbott”), Takeda Pharmaceuticals U.S.A., Inc., Takeda Pharmaceuticals America, Inc., Takeda Development Center Americas, Inc., f/k/a Takeda Global Research & Development Center, Inc., and Takeda Pharmaceutical Company Limited (collectively “Takeda”), Pfizer Inc. (“Pfizer”), and Glaxosmithkline Consumer Healthcare Holdings (US) LLC and Novartis Consumer Health, Inc. n/k/a GSK Consumer Health, Inc. (collectively “GSK”) (collectively, “Defendants” or “Moving Defendants”), by counsel and pursuant to the Stipulation Regarding Tolling of Statutes of Limitation (Dkt. 232) (“Tolling Agreement”), shall apply before the United States District Court of the District of New Jersey Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07101, for an Order granting Moving Defendants’ Motion to Dismiss the Complaints in their entirety of the captioned Plaintiffs (collectively “the Plaintiffs”), for failure to comply with the requirements of the Tolling Agreement upon refiling of their Complaints.

PLEASE TAKE FURTHER NOTICE that Moving Defendants will rely upon the supporting Memorandum in support of its motion, and a proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 78.1(b), Moving Defendants requests oral argument if an opposition is filed.

Dated: December 14, 2018

/s/ Loren H. Brown

Loren H. Brown
Cara D. Edwards
Lucas P. Przymusinski
DLA PIPER LLP (US)
1251 Avenue of the Americas, 27th Floor
New York, NY 10020
Tel: (212) 335-4500
Fax: (212) 335-4501
loren.brown@dlapiper.com
cara.edwards@dlapiper.com
lucas.przymusinski@dlapiper.com

/s/ Matthew A. Holian

Matthew A. Holian
Katie W. Insogna
DLA PIPER LLP (US)
33 Arch Street, 26th Floor
Boston, MA 02110
Tel: (617) 406-6000
Fax: (617) 406-6100
matt.holian@dlapiper.com
katie.insogna@dlapiper.com

/s/ Stephen C. Matthews

Stephen C. Matthews
DLA PIPER LLP (US)
51 John F. Kennedy Parkway, Suite 120
Short Hills, NJ 07078-2704
Tel: (973) 520-2550
Fax: (973) 520-2551
stephen.matthews@dlapiper.com

Attorneys for Defendant Pfizer Inc.

MCCARTER & ENGLISH, LLP

/s/ Gregory J. Hindy

Gregory J. Hindy

Four Gateway Center

100 Mulberry Street

Newark, New Jersey 07101-0652

(973) 622-4444

ghindy@mccarter.com

James J. Freebery

Makenzie Windfelder

405 N. King Street, 8th Floor

Wilmington, DE 19801

(302) 984-6300

jfreebery@mccarter.com

mwindfelder@mccarter.com

*Attorneys for AstraZeneca Pharmaceuticals LP,
AstraZeneca LP, and Merck Sharp & Dohme
Corporation*

ICE MILLER LLP

/s/ Amy K. Fisher

Amy K. Fisher

Katherine D. Althoff

John A. Camp

One American Square, Ste. 2900

Indianapolis, IN 46281-0200

(317) 236-2100

Amy.Fisher@icemiller.com

Katherine.Aldhoff@icemiller.com

John.Camp@icemiller.com

*Attorneys for AstraZeneca
Pharmaceuticals LP, AstraZeneca
LP, and Merck Sharp & Dohme
Corporation*

AKIN GUMP STRAUSS HAUER
& FELD LLP

/s/ Kathryn E. Deal

Kathryn E. Deal

Seamus C. Duffy

Two Commerce Square

2001 Market Street, Suite 4100

Philadelphia, PA 19103-7013

(215) 965-1219

kdeal@akingump.com

sduffy@akingump.com

*Attorneys for Merck Sharp & Dohme
Corporation*

ARNOLD & PORTER KAYE SCHOLER LLP

/s/ Arthur E. Brown

Arthur E. Brown

Matthew J. Douglas

Alan E. Rothman

250 W. 55th Street, New York, NY 10019-9710

(212) 836-8000

Arthur.Brown@arnoldporter.com

Matthew.Douglas@arnoldporter.com

Alan.Rothman@arnoldporter.com

*Attorneys for AstraZeneca Pharmaceuticals
LP and AstraZeneca LP*

MORGAN LEWIS & BOCKIUS LLP

/s/ Lisa C. Dykstra

Lisa C. Dykstra

Shevon L. Scarafie

1701 Market Street

Philadelphia, PA 19103-2921

(215) 963-5000

Lisa.Dykstra@morganlewis.com

Shevon.Scarafie@morgan.lewis.com

*Attorneys for Merck Sharp &
Dohme Corporation*

ULMER & BERNE LLP

/s/ K. C. Green

K. C. Green

Jeffrey F. Peck

Gina M. Saelinger

600 Vine Street, Suite 2800

Cincinnati, Ohio 45202

Telephone: (513) 698-5000

Facsimile: (513) 698-5001

kcgreen@ulmer.com

jpeck@ulmer.com

gsaelinger@ulmer.com

*Attorneys for The Procter & Gamble
Company and The Procter & Gamble
Manufacturing Company*

VENABLE LLP

/s/ Craig A. Thompson

Craig A. Thompson

Jason C. Rose

VENABLE LLP

750 East Pratt Street, Suite 900

Baltimore, MD 21202

Telephone: (410) 244-7400

Facsimile: (410) 244-7742

cathompson@venable.com

jcrose@venable.com

Attorneys for Takeda Defendants

TUCKER ELLIS LLP

/s/ Sherry Knutson

Sherry Knutson

James Hemmings

233 South Wacker Drive

Suite 6950

Chicago, Illinois 60606-9997

(312) 624-6300

(312) 624-6309

sherry.knutson@tuckerellis.com

james.hemmings@tuckerellis.com

Attorneys for Takeda Defendants

/s/ Stephen J. McConnell
Stephen J. McConnell
REED SMITH LLP
Three Logan Square
1717 Arch Street, Suite 3100
Philadelphia, PA 19103
Telephone: (215) 851-8100
smcconnell@reedsmith.com

*Attorneys for Glaxosmithkline Consumer
Healthcare Holdings (US) LLC and
Novartis Consumer Health, Inc. n/k/a GSK
Consumer Health, Inc.*